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June 10, 2008

BY TELECOPIER (212) 805-6191

Hon. Barbara S. Jones

U. S. District Judge

U. S. Courthouse, Room 620

500 Pearl Street

New York, NY 10007

MEMO ENDORSED *JP*

Procapui-Produtores, etc. v. G.F. Higgins, Inc., et al.;
07 CV 6627 (BSJ)

Dear Judge Jones:

We are the attorneys for plaintiff herein and respond to the letter of the Higgins defendants dated June 9, 2008.

Firstly, plaintiff has no objection to completing the review and exchange of documents. That process was interrupted by your order dismissing the Complaint and Magistrate Judge Peck's resultant order sealing the documents already produced pending the filing of the Amended Complaint.

Given the amount of documents already either produced by the parties or obtained from third-parties, I do not necessarily disagree with counsel for defendants that depositions could be deferred until all of those documents have been reviewed. Plaintiff has not unsealed the documents ordered by Magistrate Judge Peck to have been sealed, pending communication with the Court on that issue, despite the fact that the Amended Complaint was filed.

There are literally thousands of pages of documents which must be reviewed and it would be more productive to complete that review and obtain and review the remaining documents

prior to the resumption of depositions.

Therefore, plaintiff requests that the court order the resumption of document production and review to be completed within 30 days at which time we will communicate with the Court further on the issue of depositions.

Respectfully,

Luigi F. De Maio

cc:
All counsel

BY TELECOPIER (212)805-7933
Hon. Andrew Peck
United States Magistrate Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

MEMO ENDORSED 6/10/08

After conferring with Judge Jones, board on the
part to agreement document discovery and sites
"paper" discovery (including RRA's) are to go
forward. The stay remains in effect at
this time for deposition. Counsel are to
submit report to me by 7/11/08 as to the
status of discovery and any agreement as to
next steps.

SO ORDERED:

Hon. Andrew J. Peck
United States Magistrate Judge

BY FAX

my fax: All good
Joe Jones

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

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Dated: June 10, 2008

Total Number of Pages: 3

TO	FAX NUMBER
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TRANSCRIPTION:

MEMO ENDORSED 6/10/08

After conferring with Judge Jones, based on the parties agreement, document discovery and other "paper" discovery (including RFAs) are to go forward. The stay remains in effect at this time for depositions. Counsel are to jointly report to me by 7/11/08 as to the status of discovery and any agreement as to next steps.

Copy to: Judge Barbara S. Jones